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Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

SENATE BILL 1081

AN ACT

AMENDING SECTION 13-2301, ARIZONA REVISED STATUTES; RELATING TO ANIMAL AND ECOLOGICAL TERRORISM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2301, Arizona Revised Statutes, is amended to
3 read:

4 13-2301. Definitions

5 A. For the purposes of sections 13-2302, 13-2303 and 13-2304:

6 1. "Collect an extension of credit" means to induce in any way any
7 person to make repayment of that extension.

8 2. "Creditor" means any person making an extension of credit or any
9 person claiming by, under or through any person making an extension of
10 credit.

11 3. "Debtor" means any person to whom an extension of credit is made or
12 any person who guarantees the repayment of an extension of credit, or in any
13 manner undertakes to indemnify the creditor against loss resulting from the
14 failure of any person to whom an extension is made to repay the extension.

15 4. "Extend credit" means to make or renew any loan or to enter into
16 any agreement, tacit or express, whereby the repayment or satisfaction of any
17 debt or claim, whether acknowledged or disputed, valid or invalid, and
18 however arising, may or shall be deferred.

19 5. "Extortionate extension of credit" means any extension of credit
20 with respect to which it is the understanding of the creditor and the debtor
21 at the time the extension is made that delay in making repayment or failure
22 to make repayment could result in the use of violence or other criminal means
23 to cause harm to the person or the reputation or property of any person.

24 6. "Extortionate means" means the use, or an express or implicit
25 threat of use, of violence or other criminal means to cause harm to the
26 person or the reputation or property of any person.

27 7. "Repayment of any extension of credit" means the repayment,
28 satisfaction or discharge in whole or in part of any debt or claim,
29 acknowledged or disputed, valid or invalid, resulting from or in connection
30 with that extension of credit.

31 B. For the purposes of section 13-2305, 13-2306 or 13-2307:

32 1. "Dealer in property" means a person who buys and sells property as
33 a business.

34 2. "Stolen property" means property of another as defined in section
35 13-1801 that has been the subject of any unlawful taking.

36 3. "Traffic" means to sell, transfer, distribute, dispense or
37 otherwise dispose of stolen property to another person, or to buy, receive,
38 possess or obtain control of stolen property, with the intent to sell,
39 transfer, distribute, dispense or otherwise dispose of the property to
40 another person.

41 C. For the purposes of this chapter:

42 1. "ANIMAL ACTIVITY" MEANS ANY ACTIVITY THAT INVOLVES THE USE OF
43 ANIMALS OR ANIMAL PARTS, INCLUDING HUNTING, FISHING, TRAPPING, TRAVELING,
44 CAMPING, PRODUCTION, PREPARATION OR PROCESSING OF FOOD OR FOOD PRODUCTS,
45 CLOTHING OR GARMENT MANUFACTURING, MEDICAL OR OTHER RESEARCH, ENTERTAINMENT,

1 RECREATION, AGRICULTURE, BIOTECHNOLOGY OR ANY OTHER SERVICE INVOLVING THE USE
2 OF ANIMALS.

3 2. "ANIMAL FACILITY" INCLUDES A VEHICLE, BUILDING, STRUCTURE, RESEARCH
4 FACILITY, NATURE PRESERVE OR OTHER PREMISES WHERE AN ANIMAL IS LAWFULLY KEPT,
5 HANDLED, HOUSED, EXHIBITED, BRED OR OFFERED FOR SALE, INCLUDING A ZOO, RODEO,
6 CIRCUS, AMUSEMENT PARK, HUNTING PRESERVE AND HORSE AND DOG EVENT.

7 3. "ANIMAL OR ECOLOGICAL TERRORISM" MEANS ANY FELONY, INCLUDING ANY
8 COMPLETED OR PREPARATORY OFFENSE, THAT INVOLVES CRIMINAL DAMAGE, THE USE OF A
9 DEADLY WEAPON OR DANGEROUS INSTRUMENT OR THE INTENTIONAL, KNOWING OR RECKLESS
10 INFLECTION OF SERIOUS PHYSICAL INJURY WITH THE INTENT TO OBSTRUCT, IMPEDE OR
11 DETER ANY PERSON FROM PARTICIPATING IN A LAWFUL ANIMAL ACTIVITY, FROM MINING,
12 FORESTING, HARVESTING, GATHERING OR PROCESSING NATURAL RESOURCES OR FROM
13 BEING LAWFULLY PRESENT IN OR ON AN ANIMAL FACILITY OR RESEARCH FACILITY.

14 ~~1-~~ 4. "Biological agent" means any microorganism, virus, infectious
15 substance or biological product that may be engineered through biotechnology
16 or any naturally occurring or bioengineered component of any microorganism,
17 virus, infectious substance or biological product and that is capable of
18 causing any of the following:

19 (a) Death, disease or physical injury in a human, animal, plant or
20 other living organism.

21 (b) The deterioration or contamination of air, food, water, equipment,
22 supplies or material of any kind.

23 ~~2-~~ 5. "Combination" means persons who collaborate in carrying on or
24 furthering the activities or purposes of a criminal syndicate even though
25 such persons may not know each other's identity, membership in the
26 combination changes from time to time or one or more members may stand in a
27 wholesaler-retailer or other arm's length relationship with others as to
28 activities or dealings between or among themselves in an illicit operation.

29 ~~3-~~ 6. "Communication service provider" has the same meaning
30 prescribed in section 13-3001.

31 ~~4-~~ 7. "Criminal syndicate" means any combination of persons or
32 enterprises engaging, or having the purpose of engaging, on a continuing
33 basis in conduct that violates any one or more provisions of any felony
34 statute of this state.

35 ~~5-~~ 8. "Explosive agent" means an explosive as defined in section
36 13-3101 and flammable fuels or fire accelerants in amounts over fifty gallons
37 but excludes:

38 (a) Fireworks as defined in section 36-1601.

39 (b) Firearms.

40 (c) A propellant actuated device or propellant actuated industrial
41 tool.

42 (d) A device that is commercially manufactured primarily for the
43 purpose of illumination.

44 (e) A rocket having a propellant charge of less than four ounces.

~~6-~~ 9. "Material support or resources" includes money or other financial securities, financial services, lodging, sustenance, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, disguises and other physical assets but does not include medical assistance, legal assistance or religious materials.

~~7-~~ 10. "Public establishment" means a structure that is owned, leased or operated by this state or a political subdivision of this state or a health care institution as defined in section 36-401.

11. "RESEARCH FACILITY" MEANS A PLACE, LABORATORY, INSTITUTION, MEDICAL CARE FACILITY, GOVERNMENT FACILITY, PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION OR NATURE PRESERVE AT WHICH A SCIENTIFIC TEST, EXPERIMENT OR INVESTIGATION INVOLVING THE USE OF ANIMALS OR OTHER ECOLOGICAL ORGANISMS IS LAWFULLY CARRIED OUT, CONDUCTED OR ATTEMPTED.

~~8-~~ 12. "Terrorism" means any felony, including any completed or preparatory offense, that involves the use of a deadly weapon or a weapon of mass destruction or the intentional or knowing infliction of serious physical injury with the intent to either:

(a) Influence the policy or affect the conduct of this state or any of the political subdivisions, agencies or instrumentalities of this state.

(b) Cause substantial damage to or substantial interruption of public communications, communication service providers, public transportation, common carriers, public utilities, public establishments or other public services.

~~9-~~ 13. "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi or infectious substances or a recombinant molecule, whatever its origin or method of reproduction, including:

(a) Any poisonous substance or biological product that may be engineered through biotechnology and that is produced by a living organism.

(b) Any poisonous isomer or biological product, homolog or derivative of such substance.

~~10-~~ 14. "Vector" means a living organism or molecule, including a recombinant molecule or biological product that may be engineered through biotechnology, that is capable of carrying a biological agent or toxin to a host.

~~11-~~ 15. "Weapon of mass destruction" means:

(a) Any device or object that is designed or that the person intends to use to cause multiple deaths or serious physical injuries through the use of an explosive agent or the release, dissemination or impact of a toxin, biological agent, poisonous chemical, or its precursor, or any vector.

(b) Except as authorized and used in accordance with a license, registration or exemption by the radiation regulatory agency pursuant to section 30-672, any device or object that is designed or that the person intends to use to release radiation or radioactivity at a level that is dangerous to human life.

1 D. For the purposes of sections 13-2312, 13-2313, 13-2314 and 13-2315,
2 unless the context otherwise requires:

3 1. "Control", in relation to an enterprise, means the possession of
4 sufficient means to permit substantial direction over the affairs of an
5 enterprise and, in relation to property, means to acquire or possess.

6 2. "Enterprise" means any corporation, partnership, association, labor
7 union or other legal entity or any group of persons associated in fact
8 although not a legal entity.

9 3. "Financial institution" means any business under the jurisdiction
10 of the state banking department or a banking or securities regulatory agency
11 of the United States, a business coming within the definition of a bank,
12 financial agency or financial institution as prescribed by 31 United States
13 Code section 5312 or 31 Code of Federal Regulations section 103.11 or a
14 business under the jurisdiction of the securities division of the corporation
15 commission, the state real estate department or the department of insurance.

16 4. "Racketeering" means any act, including any preparatory or
17 completed offense, that is chargeable or indictable under the laws of the
18 state or country in which the act occurred and, if the act occurred in a
19 state or country other than this state, that would be chargeable or
20 indictable under the laws of this state if the act had occurred in this
21 state, and that would be punishable by imprisonment for more than one year
22 under the laws of this state and, if the act occurred in a state or country
23 other than this state, under the laws of the state or country in which the
24 act occurred, regardless of whether the act is charged or indicted, and the
25 act involves either:

26 (a) Terrorism, **ANIMAL OR ECOLOGICAL TERRORISM** that results or is
27 intended to result in a risk of serious physical injury or death.

28 (b) Any of the following acts if committed for financial gain:

29 (i) Homicide.

30 (ii) Robbery.

31 (iii) Kidnapping.

32 (iv) Forgery.

33 (v) Theft.

34 (vi) Bribery.

35 (vii) Gambling.

36 (viii) Usury.

37 (ix) Extortion.

38 (x) Extortionate extensions of credit.

39 (xi) Prohibited drugs, marijuana or other prohibited chemicals or
40 substances.

41 (xii) Trafficking in explosives, weapons or stolen property.

42 (xiii) Participating in a criminal syndicate.

43 (xiv) Obstructing or hindering criminal investigations or
44 prosecutions.

1 (xv) Asserting false claims including, but not limited to, false
2 claims asserted through fraud or arson.

3 (xvi) Intentional or reckless false statements or publications
4 concerning land for sale or lease or sale of subdivided lands or sale and
5 mortgaging of unsubdivided lands.

6 (xvii) Resale of realty with intent to defraud.

7 (xviii) Intentional or reckless fraud in the purchase or sale of
8 securities.

9 (xix) Intentional or reckless sale of unregistered securities or real
10 property securities.

11 (xx) A scheme or artifice to defraud.

12 (xxi) Obscenity.

13 (xxii) Sexual exploitation of a minor.

14 (xxiii) Prostitution.

15 (xxiv) Restraint of trade or commerce in violation of section 34-252.

16 (xxv) Terrorism.

17 (xxvi) Money laundering.

18 (xxvii) Obscene or indecent telephone communications to minors for
19 commercial purposes.

20 (xxviii) Counterfeiting marks as proscribed in section 44-1453.

21 (xxix) **ANIMAL TERRORISM OR ECOLOGICAL TERRORISM.**

22 5. "Records" means any book, paper, writing, computer program, data,
23 image or information that is collected, recorded, preserved or maintained in
24 any form of storage medium.

25 6. "Remedy racketeering" means to enter a civil judgment pursuant to
26 this chapter or chapter 39 of this title against property or a person who is
27 subject to liability, including liability for injury to the state that is
28 caused by racketeering or by actions in concert with racketeering.

29 E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:

30 1. "Access" means to instruct, communicate with, store data in,
31 retrieve data from or otherwise make use of any resources of a computer,
32 computer system or network.

33 2. "Access device" means any card, token, code, account number,
34 electronic serial number, mobile or personal identification number, password,
35 encryption key, biometric identifier or other means of account access,
36 including a canceled or revoked access device, that can be used alone or in
37 conjunction with another access device to obtain money, goods, services,
38 computer or network access or any other thing of value or that can be used to
39 initiate a transfer of any thing of value.

40 3. "Computer" means an electronic device that performs logic,
41 arithmetic or memory functions by the manipulations of electronic or magnetic
42 impulses and includes all input, output, processing, storage, software or
43 communication facilities that are connected or related to such a device in a
44 system or network.

1 4. "Computer contaminant" means any set of computer instructions that
2 is designed to modify, damage, destroy, record or transmit information within
3 a computer, computer system or network without the intent or permission of
4 the owner of the information, computer system or network. Computer
5 contaminant includes a group of computer instructions, such as viruses or
6 worms, that is self-replicating or self-propagating and that is designed to
7 contaminate other computer programs or computer data, to consume computer
8 resources, to modify, destroy, record or transmit data or in some other
9 fashion to usurp the normal operation of the computer, computer system or
10 network.

11 5. "Computer program" means a series of instructions or statements, in
12 a form acceptable to a computer, that permits the functioning of a computer
13 system in a manner designed to provide appropriate products from the computer
14 system.

15 6. "Computer software" means a set of computer programs, procedures
16 and associated documentation concerned with the operation of a computer
17 system.

18 7. "Computer system" means a set of related, connected or unconnected
19 computer equipment, devices and software, including storage, media and
20 peripheral devices.

21 8. "Critical infrastructure resource" means any computer or
22 communications system or network that is involved in providing services
23 necessary to ensure or protect the public health, safety or welfare,
24 including services that are provided by any of the following:

- 25 (a) Medical personnel and institutions.
- 26 (b) Emergency services agencies.
- 27 (c) Public and private utilities, including water, power,
28 communications and transportation services.
- 29 (d) Fire departments, districts or volunteer organizations.
- 30 (e) Law enforcement agencies.
- 31 (f) Financial institutions.
- 32 (g) Public educational institutions.
- 33 (h) Government agencies.

34 9. "False or fraudulent pretense" means the unauthorized use of an
35 access device or the use of an access device to exceed authorized access.

36 10. "Financial instrument" means any check, draft, money order,
37 certificate of deposit, letter of credit, bill of exchange, credit card or
38 marketable security or any other written instrument as defined in section
39 13-2001 that is transferable for value.

40 11. "Network" includes a complex of interconnected computer or
41 communication systems of any type.

1 12. "Property" means financial instruments, information, including
2 electronically produced data, computer software and programs in either
3 machine or human readable form, and anything of value, tangible or
4 intangible.

5 13. "Proprietary or confidential computer security information" means
6 information about a particular computer, computer system or network that
7 relates to its access devices, security practices, methods and systems,
8 architecture, communications facilities, encryption methods and system
9 vulnerabilities and that is not made available to the public by its owner or
10 operator.

11 14. "Services" includes computer time, data processing, storage
12 functions and all types of communication functions.